IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.816 OF 2006

M/s.Daisy Trading Corporation .. Petitioner

V/s

The Union of India & Ors. .. Respondents

Shri.V.Shridharan with Shri.Prakash Shah i/b. PDS
Legal for the Petitioner.

Shri.H.V.Mehta for the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 15TH FEBRUARY, 2006.

P.C.:

1. Rule. Rule is made returnable forthwith.

Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents. The learned Counsel for the Respondents waives service. By consent taken up for hearing forthwith.

2. By this Petition the Petitioner is challenging the order dated 21st September, 2005 passed by CESTAT on the ground that the order is totally untenable and that various other grounds which were raised and argued before the CESTAT have not been considered. We have perused the order. The main contention of the Petitioner is that Respondent No.3 while passing the

Order in Original has travelled beyond the directions given by Respondent No.2 while remanding the matter back. This issue has not been considered by CESTAT. Under the aforesaid facts and circumstances of the case, on this limited ground, we are inclined to quash and set aside the order dated 21st September, 2005 and remand back the matter to CESTAT. Accordingly the order of the CESTAT dated 21st September, 2005 is hereby quashed and set aside and the matter is remanded back to the CESTAT. The CESTAT shall hear the aforesaid appeal strictly on its own merits and consider all the issues raised and shall pass a reasoned order. The Writ Petition is accordingly allowed. Rule is made absolute accordingly, however with no order as to costs.

(DR.S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)